

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 1999-481-C - ORDER NO. 2000-0122
FEBRUARY 3, 2000

IN RE: Petition of BellSouth Telecommunications,)	ORDER DENYING
Inc. for Arbitration of an Interconnection)	REQUEST TO
Agreement with Tel-Link, LLC and Tel-Link,)	CONTINUE HEARING
Florida, LLC Pursuant to the)	FOR 90 DAYS
Telecommunications Act of 1996.)	

This Docket involves a Petition for Arbitration of an Interconnection Agreement filed by BellSouth Telecommunications, Inc. ("BellSouth") for arbitration with Tel-Link, LLC and Tel-Link of Florida, LLC (collectively referred to as "Tel-Link"). Tel-Link has filed a request seeking cancellation of any pending case schedule and an extension of ninety (90) days. According to Tel-Link's request for an extension, Tel-Link, during the time that negotiations to reach agreement on the unresolved issues relating to the resale agreement with BellSouth were being conducted, entered into negotiations with a prospective purchaser for the sale of substantially all of Tel-Link's assets and its business of reselling telephone service. Subsequent to BellSouth filing its arbitration request, Tel-Link reached an agreement in principle for the sale of Tel-Link's assets and its business of reselling telephone service. Due to the foregoing circumstances, Tel-Link informs the Commission that it believes that it would not be in either party's best interest to arbitrate the issues which are the subject matter of the instant proceeding and requests a delay in

the arbitration schedule for ninety (90) days. Tel-Link also informs the Commission that it does not believe that BellSouth will oppose the request for extension.

Upon consideration of Tel-Link's request, the Commission concludes that it cannot grant the request. Section 252(b)(4)(C) of the Telecommunications Act of 1996 provides in relevant part that "[t]he State commission ...shall conclude the resolution of any unresolved issues not later than 9 months after the date on which the local exchange carrier received the request under this section." Thus the plain language of the Telecommunications Act of 1996 is that the Commission must resolve the issues in an arbitration proceeding within 9 months from the date that the request for the interconnection agreement was received by the LEC. The request for negotiation for a new agreement began on June 23, 1999. Pursuant to Section 252(b)(4)(C) of the Telecommunications Act of 1996, this Commission has until March 23, 2000, to resolve the unresolved issues set forth in the Petition and response, if any. The parties, through mutual agreement or otherwise, cannot change the time by which the law requires the arbitration to be concluded. As Tel-Link's request for an extension would carry the proceeding beyond the nine-month period in which the Commission must conclude this proceeding, the Commission concludes that Tel-Link's request for an extension must be denied. Accordingly, the Arbitration Plan and accompanying schedule contained in Order No. 2000-0041, dated January 11, 2000, as modified by Order No. 2000-0121, dated February 2, 2000, remains in effect.

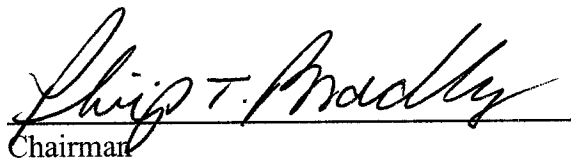
IT IS THEREFORE ORDERED THAT:

1. Tel-Link's request for a ninety-day extension is denied.

2. The Arbitration Plan and accompanying schedule contained in Order No. 2000-0041, dated January 11, 2000, as modified by Order No. 2000-0121, dated February 2, 2000, remains in effect.

3. This Order remains in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)